

### REMARKS

This is a full and timely response to Board's Decision November 19, 2010 ("Decision"). Reconsideration of the application in light of the above amendments and the following remarks is respectfully requested.

#### Request for Continued Examination:

Applicant hereby requests Continued Examination for this application and entry and consideration of this amendments consequent thereto.

#### Claim Status:

By the preceding amendment, the claims 1, 7, 8, 10, 12, 13, 15, 26, and 30 have been amended. Claim 28 was previously cancelled. No new claims have been added and no claims have been cancelled. Thus, claims 1 – 27, and 29 - 36 are currently pending for further action.

#### 35 U.S.C. § 102:

1. Claims 1-7, 12, 13, 15 – 27, 29, and 31-36 were rejected under 35 USC 102(b) as being anticipated by US Patent Publication No. 2002/0062366 A1 (hereinafter "Roy"). For at least the following reasons, these rejections should be reconsidered and withdrawn.

#### Claim 1

Claim 1 recites:

A client-side auto-rediscovery system, comprising:

a data store associated with a service requesting networked device configured to store a pairing data that relates said service requesting networked device and a service providing networked device; and

a logic associated with said service requesting networked device configured to, *in response to said service requesting device sending a service request to said service providing networked device*, determine whether the pairing data should be updated and to update the pairing data if said pairing data is not valid.

(Emphasis added)

Support for the amendment to claim 1 can be found in Applicant's originally filed specification at, for example, paragraph 0027 and paragraph 0029.

In the Final Office Action dated January 24, 2008 ("Action"), the examiner rejected claim 1 as being anticipated Roy. (Action, p. 3). This decision was then affirmed by the Board, (Decision, p. 4). However, Roy does not teach each and every element of claim 1 as currently amended. Specifically, Roy does not teach "logic associated with said service requesting networked device configured to, *in response to said service requesting device sending a service request to said service providing networked device*, determine whether the pairing data should be updated." (Claim 1) (emphasis added).

Roy teaches a management station that sends out discovery broadcast requests in response to receiving a request to do so. (Roy, Abstract). Roy does not teach or suggest a system that includes logic associated with a service requesting network device that is configured to "*in response to said service requesting device sending a service request to said service providing networked device*, determine whether the pairing data should be updated." (Claim 1) (Emphasis added). Rather, a system as taught by Roy initiates a discovery process in response to a request from an HTTP client. (Roy, Abstract).

Respectfully, to anticipate a claim, a reference must teach each and every element of the claim, and "the identical invention must be shown in as complete detail as contained in the ... claim." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d

628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)). Consequently, because Roy clearly fails to satisfy the requirements for anticipating claim 1, the rejection of claim 1 should be reconsidered and withdrawn.

Additionally, various dependent claims of the application recite subject matter that is further patentable over the cited prior art. Specific, non-exclusive examples follow.

#### Claim 7

Claim 7, as currently amended, recites “wherein to determine whether to update said pairing data the logic is further configured to generate a uni-cast simple network management protocol (SNMP) GET message to be delivered from the service requesting networked device to the service providing networked device and to compare data within a response to said GET message with said pairing data.”

The examiner has asserted that Roy teaches the use of the unicast SNMP get message by citing to Roy, paragraph 0041. (Action, p. 4). Here, Roy teaches that the discovery process “generates a SNMP request unicast to each of those IP address[es] in the linked list that were added to the list as a result of DLP responses.” (Roy, paragraph 0041). Thus, the unicast messages are being sent to newly discovered devices. This is in contrast to the teachings of applicant as recited in claim 7. Specifically, sending unicast requests to newly

discovered devices based on DLS responses is not the same as sending a unicast message “from the service requesting networked device to the service providing networked device.” (Claim 7).

Furthermore, claim 7 recites that the logic is configured to “compare data within a response to said GET message with said pairing data.” (Claim 7). As is known by those skilled in the relevant art, a response to a SNMP GET message can include “pairing data” such as an Internet Protocol (IP) address or a Media Access Control (MAC) address. Roy does not teach or suggest the step of comparing the data within the responses to the pairing data in storage. Rather, Roy teaches that “when [the responses] arrive, the SNMP information such as device name, model, version number, and device status are copied into the list.” (Roy, paragraph 0041). Copying data to a list is not the same as comparing data with a list.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown in as complete detail as contained in the ... claim.” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)). Consequently, because Roy clearly fails to satisfy the requirements for anticipating claim 7, the rejection of claim 7 should be reconsidered and withdrawn.

2. Claim 12 was rejected under 35 U.S.C. 102(b) as being anticipated by Roy. For at least the following reasons, this rejection should be reconsidered and withdrawn.

Claim 12

Claim 12 recites:

A client-side auto-rediscovery system, comprising:  
means for storing a pairing data that relates a service requesting networked device and a service providing networked device;  
means for performing a uni-cast based discovery between the service requesting networked device and the service providing networked device in response to a service request made from the service requesting networked device to the service providing networked device; and  
means for selectively performing automatic multicast based discovery to rediscover the service providing networked device based on the uni-cast based discovery and selectively updating the pairing data based on the multicast based discovery.

(Emphasis added)

Support for the amendment to claim 12 can be found in Applicant's originally filed specification at, for example, paragraph 0027 and paragraph 0029.

In the Final Office Action, the examiner has rejected Claim 12 as being anticipated by Roy. (Action, p. 5). The Board then affirmed this decision. (Decision, p. 5). However, Roy does not teach each and every element of claim 12 as currently amended. Specifically, Roy does not teach performing a unicast based discovery "*in response to a service request made from the service requesting networked device to the service providing networked device, determine whether the pairing data should be updated.*" (Claim 12) (emphasis added).

As noted above, Roy teaches a management station that sends out discovery broadcast requests in response to receiving a request to do so. (Roy, Abstract). Roy does not teach or suggest a system that includes logic of a service requesting network device that is configured to "*in response to said service requesting device sending a service request to said service*

*providing networked device*, determine whether the pairing data should be updated.” (Claim 1) (emphasis added). Rather, a system as taught by Roy initiates a discovery process in response to a request from an HTTP client. (Roy, Abstract).

Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown in as complete detail as contained in the ... claim.” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)). Consequently, because Roy clearly fails to satisfy the requirements for anticipating claim 12, the rejection of claim 12 should be reconsidered and withdrawn.

3. Claims 13, 15 – 29, and 31 – 36 were rejected under 35 USC 102(b) as being anticipated by Roy. For at least the following reasons, this rejection should be reconsidered and withdrawn.

### Claim 13

Claim 13 recites:

A client-side auto-rediscovery method, comprising:  
determining whether a service request from a first networked device to a second networked device has been made; and  
in response to a service request being made, performing a process that facilitates relating the first networked device and the second networked device by:

selectively requesting from one or more networked devices a binding data that facilitates uniquely identifying a networked device;  
receiving, in response to requesting the binding data, a message that includes the binding data; and  
selectively updating a pairing data that relates the first networked device and the second networked device based, at least in part, on the binding data.  
(Emphasis added)

Support for the amendment to claim 13 can be found in Applicant's originally filed specification at, for example, paragraph 0027 and paragraph 0029.

The examiner rejected Claim 13 as being anticipated Roy. (Action, p. 5). This decision was then affirmed by the Board. (Decision, p. 7). However, Roy does not teach each and every element of claim 13 as currently amended. Specifically, Roy does not teach the step of "*determining whether a service request from a first networked device to a second networked device has been made*" and performing a process "*in response to a service request being made.*" (Claim 13) (emphasis added).

As noted above, Roy teaches a management station that sends out discovery broadcast requests in response to *receiving* a request to do so. (Roy, Abstract). Roy does not teach or suggest a method of discovery in response to the device that initiates the discovery process (the first networked device) "*determining whether a service request from a first networked device to a second networked device has been made.*" (Claim 13) (Emphasis added). Rather, a system as taught by Roy initiates a discovery process in response to a request from an HTTP client. (Roy, Abstract). Furthermore, the request received by the management system in Roy is a request to perform the discovery. Applicant teaches a system where the request made by the first networked device is for a service such as to perform a print job. (Applicant's specification, paragraph 0027). Thus, the service request can be unrelated to the discovery process.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown in as complete detail as contained in the ... claim.” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)). Consequently, because Roy clearly fails to satisfy the requirements for anticipating claim 13, the rejection of claim 13 should be reconsidered and withdrawn.

Additionally, various dependent claims of the application recite subject matter that is further patentable over the cited prior art. Specific, non-exclusive examples follow.

#### Claim 15

As currently amended, claim 15 recites “wherein said service request is unrelated to said process.” As mentioned above, Roy teaches a system wherein the service request mentioned is a request to perform the discovery process. Here, Applicant teaches that the system that performs the discovery process initiates the request. As recited in claim 15, the service request is unrelated to the discovery process. Thus, because Roy does not teach each and every element of claim 15 as currently amended, the rejection of claim 15 should be reconsidered and withdrawn.



Claim 26

Claim 26 recites:

A computer-readable medium providing processor executable instructions operable to perform a client-side auto-rediscovery method, the method comprising:  
*in response to determining that a service request has been made by a service requesting device;*

with the service requesting device, selectively requesting from one or more networked devices a binding data that facilitates uniquely identifying a networked device;

with the service requesting device, receiving, in response to requesting the binding data, a message that includes the binding data;

with the service requesting device, selectively updating a pairing data that relates the first networked device and, the second networked device based, at least in part, on the binding data; and

with the service requesting device, storing the pairing data in a computer memory.

(Emphasis added)

Support for the amendment to claim 26 can be found in Applicant's originally filed specification at, for example, paragraph 0027 and paragraph 0029.

The Examiner has rejected Claim 26 as being anticipated by Roy (Action, p. 8). This decision was then affirmed by the Board. (Decision, p. 7). However, Roy does not teach each and every element of claim 26 as currently amended. Specifically, Roy does not teach the process is performed "*in response to determining that a service request has been made by a service requesting device*" (Claim 26) (Emphasis added).

Roy teaches a management station that sends out discovery broadcast requests in response to *receiving* a request to do so. (Roy, Abstract). Roy does not teach or suggest a method of discovery performed by the service requesting device "*in response to determining that a service request has been made by a service requesting device*" (Claim 26) (Emphasis added). Rather, a system as taught by Roy initiates a discovery process in response to a request from an HTTP client (Roy, Abstract). Furthermore, the request received by the

management system in Roy is a request to perform the discovery. Applicant teaches a system where the request made by the first networked device is for a service such as to perform a print job. (Applicant's specification, paragraph [0027]) Thus, the service request can be unrelated to the discovery process.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and "the identical invention must be shown in as complete detail as contained in the ... claim." MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2 USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, "[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements 'arranged as in the claim.'" *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)). Consequently, because Roy clearly fails to satisfy the requirements for anticipating claim 26, the rejection of claim 26 should be reconsidered and withdrawn.

### Claim 31

A client-side auto-rediscovery method, comprising:  
 discovering a first connection to a service providing networked device;  
 client-side associating a stored connection between a service requesting networked device and the service providing networked device based, at least in part, on the first connection;  
 upon the service requesting networked device making a request for a service from the service providing networked device, validating the stored connection;  
 selectively re-discovering a second connection to the service providing networked device; and  
 selectively client-side re-associating the stored connection based, at least in part, on the second connection.  
 (Emphasis added)

The Examiner rejected claim 31 as being anticipated by Roy (Action, p. 8). The Examiner has asserted that claim 31 includes the same subject matter as previous independent claims and therefore was rejected for the same reasons as those previous independent claims. (Action, p. 8). This decision was also affirmed by the board for the same reasons. (Decision pp. 7-8). However, claim 31 includes limitations that were not present in the previous independent claims. Specifically, claim 31 recites validating the stored connection “upon the service requesting networked device making a request for a service from the service providing networked device.” Applicant pointed this out in the Appeal Brief filed June 6, 2008 (“Brief). (Brief p. 18). However, both the Examiner and the Board ignored this argument by simply asserting that claim 31 included the same subject matter as the previous independent claims and should be rejected for the same reasons.

As mentioned above, Roy teaches a management station that sends out discovery broadcast requests in response to *receiving* a request to do so. (Roy, Abstract). Roy does not teach or suggest a method of validating a connection “upon the service requesting networked device *making a request for a service* from the service providing networked device” (Claim 31) (Emphasis added). Rather, a system as taught by Roy initiates a discovery process in response to a request from an HTTP client (Roy, Abstract). Furthermore, the request received by the management system in Roy is a request to perform the discovery. Applicant teaches a system where the request made by the first networked device is for a service such as to perform a print job. (Applicant’s specification, paragraph [0027]) Thus, the service request can be unrelated to the discovery process.

Again, to anticipate a claim, a reference must teach each and every element of the claim, and “the identical invention must be shown in as complete detail as contained in the ... claim.” MPEP 2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 2

USPQ2d 1051 (Fed. Cir. 1987) and *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913 (Fed. Cir. 1989) (emphasis added). Moreover, “[t]he prior art reference—in order to anticipate under 35 U.S.C. § 102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *NetMoneyIn v. Verisign*, (Fed. Cir. 2008) (quoting *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542 (Fed. Cir. 1983)). Consequently, because Roy clearly fails to satisfy the requirements for anticipating claim 31, the rejection of claim 31 should be reconsidered and withdrawn.

35 U.S.C. §103:

4. Claim 14 was rejected under 35 U.S.C. 103(a) as being unpatentable over Roy in view of U.S. Patent No. 5185860 (hereinafter “Wu”). For at least the following reasons, this rejection should be reconsidered and withdrawn.

Claim 14

Claim 14 recites “where determining whether to perform the process is performed periodically.” The term “the process” has antecedent basis to independent claim 13 from which claim 14 depends. For the reasons discussed above, claim 13 as currently amended is patentable over the cited prior art. Particularly, Roy does not teach In the step of “*determining whether a service request from a first networked device to a second networked device has been made*” and performing a process “*in response to a service request being made.*” (Claim 13) (emphasis added). Wu also does not teach or suggest this step. Therefore, the rejection of claim 14 should be reconsidered and withdrawn.

5. Claims 10 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Roy. For at least the following reasons, this rejection should be reconsidered and withdrawn.

#### Claim 10

Claim 10 recites:

A client-side auto-rediscovery system, comprising:

a data store configured to store an Internet protocol (IP) address and a MAC address associated with a service providing networked device that is configured to provide a service to a requesting networked device, the data store being located in the requesting networked device;

a first logic configured to, *in response to a service request made by said requesting networked device*, produce a uni-cast SNMP GET request for the MAC address of the service providing networked device and to determine whether the IP address and MAC address stored in the data store describe a valid pairing based on a uni-cast SNMP GET RESPONSE message, the first logic being located in the requesting networked device; and

a second logic configured to selectively produce a multicast SNMP GET request for the MAC address of one or more service providing networked devices related to said service request and to selectively update the data store based on one or more uni-cast SNMP GET RESPONSE messages responsive to the multicast SNMP GET request, the second logic being located in the requesting networked device.

(Emphasis added)

Support for the amendment to claim 10 can be found in Applicant's originally filed specification at, for example, paragraph 0027 and paragraph 0029.

The Examiner has rejected Claim 10 as being unpatentable over Wu in view of Roy. (Action, p. 10). This decision was then affirmed by the Board. (Decision, p. 8). However, Wu and Roy, alone or in combination, do not teach the elements of claim 10 as currently amended. Roy teaches a management station that sends out discovery broadcast requests in response to *receiving* a request to do so. (Roy, Abstract). Furthermore, Wu teaches "a general way of discovering network elements, or nodes, connected to a computer network. (Wu, abstract). Neither Roy or Wu teach that a first logic is configured to produce a uni-cast

get SNMP GET request “in response to a service request made by said requesting networked device.” (Claim 10).

The Supreme Court recently addressed the issue of obviousness in *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007). The Court stated that the *Graham v. John Deere Co. of Kansas City*, 383, U.S. 1 (1966), factors still control an obviousness inquiry. Under the analysis required by *Graham* to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art. In the present case, the scope and content of the prior art, as evidenced by Roy and Wu, did not include the claimed subject matter, particularly, logic configured to produce a uni-cast get SNMP GET request “in response to a service request made by said requesting networked device.” (Claim 10).

The differences between the cited prior art and the indicated claims are significant because any device which needs to request a service, such as performing a print job, can first check to see if there is a valid connection between the service providing device and the service requesting device. By having this discovery process performed automatically in response to a service request, discovery related network traffic can be reduced to occasions when necessary and without a human interaction required. Thus, the claimed subject matter provides features and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 10 under 35 U.S.C. § 103 and *Graham*.

#### Claim 30

Claim 30 recites:

A client-side auto-rediscovery method, comprising:  
determining, *in response to a service request made from a first networked device to a second networked device*, whether to perform a process on behalf of said

first networked device by requesting a MAC address from said second networked device, where the MAC address facilitates binding the first networked device and the second networked device;

selectively requesting a MAC address from one or more networked devices, where the MAC address facilitates re-binding the first networked device and the second networked device, where the request is transmitted in an SNMP GET message via one or more of a multicast and broadcast mode;

receiving the MAC address in a uni-cast SNMP GET RESPONSE message;

and

selectively updating an IP address, MAC address pair stored on the first networked device to bind the first networked device and the second networked device.

(Emphasis added)

Support for the amendment to claim 30 can be found in Applicant's originally filed specification at, for example, paragraph 0027 and paragraph 0029.

The Examiner has rejected Claim 30 as being unpatentable over Wu in view of Roy. (Action, p. 10). This decision was then affirmed by the Board. (Decision, p. 9). However, Wu and Roy, alone or in combination, do not teach the elements of claim 10 as currently amended. Roy teaches a management station that sends out discovery broadcast requests in response to *receiving* a request to do so. (Roy, Abstract). Furthermore, Wu teaches "a general way of discovering network elements, or nodes, connected to a computer network. (Wu, abstract). Neither Roy or Wu teach the step of determining whether to perform a process "*in response to a service request made from a first networked device to a second networked device.*" (Claim 30).

Again, under the analysis required by *Graham* to support a rejection under § 103, the scope and content of the prior art must first be determined, followed by an assessment of the differences between the prior art and the claim at issue in view of the ordinary skill in the art.

In the present case, the scope and content of the prior art, as evidenced by Roy and Wu, did not include the claimed subject matter, particularly, determining whether to perform a process

*“in response to a service request made from a first networked device to a second networked device.”* (Claim 30).

The differences between the cited prior art and the indicated claims are significant because any device which needs to request a service, such as performing a print job, can first check to see if there is a valid connection between the service providing device and the service requesting device. By having this discovery process performed automatically in response to a service request, discovery related network traffic can be reduced to occasions when necessary and without a human interaction required. Thus, the claimed subject matter provides features and advantages not known or available in the cited prior art. Consequently, the cited prior art will not support a rejection of claim 30 under 35 U.S.C. § 103 and *Graham*.

6. Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Wu in view of Roy and further in view of U.S. Patent Publication No. 2002/0049809 (hereinafter “Moetteli”). Claim 11 depends on claim 10. Therefore, the same arguments in favor of patentability for claim 10 also apply to claim 13. For at least this reason, this rejection should be reconsidered and withdrawn.

7. Claims 8 and 9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Roy as applied to claims 1 – 7 above, and further in view of U.S. Patent Publication No. 2002/0103888 to Janz et al. Claims 8 and 9 depend on claim 1. Therefore, the same arguments in favor of patentability for claim 1 also apply to claims 8 and 9. For at least this reason, this rejection should be reconsidered and withdrawn.



Conclusion:

In view of the preceding arguments, all claims are believed to be in condition for allowance over the prior art of record. Therefore, this response is believed to be a complete response to the Office Action. However, Applicant reserves the right to set forth further arguments in future papers supporting the patentability of any of the claims, including the separate patentability of the dependent claims not explicitly addressed herein. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed.

The absence of a reply to a specific rejection, issue or comment in the Office Action does not signify agreement with or concession of that rejection, issue or comment. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment. Further, for any instances in which the Examiner may wish to take Official Notice in the Office Action, Applicants expressly do not acquiesce to the taking of Official Notice, and respectfully request that the Examiner provide an affidavit to support the Official Notice taken in the next Office Action, as required by 37 CFR 1.104(d)(2) and MPEP § 2144.03.

If the Examiner has any comments or suggestions which could place this application in better form, the Examiner is requested to telephone the undersigned attorney at the number listed below.

Respectfully submitted,

DATE: 14 January 2011

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